

September 18, 2018

**VIA ELECTRONIC FILING**

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, District of Columbia 20554

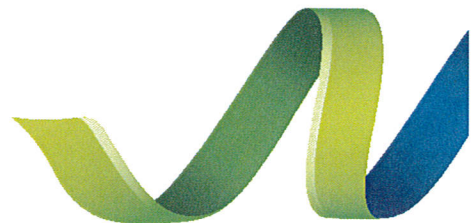
*RE: Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment, WC Docket No. 17-84; Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment, WT Docket No. 17-79*

Dear Ms. Dortch,

The City of Mason, Ohio writes to express its concerns about the Federal Communications Commission's proposed Declaratory Ruling and Third Report and Order regarding state and local governance of small cell wireless infrastructure deployment. The City of Mason is located in southwest Ohio and is home to over 33,000 residents. Mason is a regional pacesetter and innovator within the business community. Over 150 corporations represent key business sectors including advanced manufacturing, aerospace, automotive, medical device, headquarters and bio/digital technologies. Within the past several years, Mason businesses have added over 3,000 jobs to the local economy. The proposal erodes local authority over community matters and is concerning.

While we appreciate the Commission's efforts to engage with local governments on this issue and share the Commission's goal of ensuring the growth of cutting-edge broadband services for all Americans, we remain deeply concerned about several provisions of this proposal. Local governments have an important responsibility to protect the health, safety and welfare of our residents, and we are concerned that these preemption measures compromise that authority and expose wireless infrastructure providers to unnecessary liability.

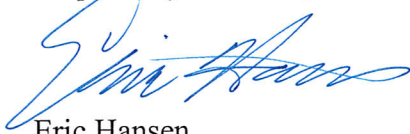
- **The FCC's proposed new collocation shot clock category is too extreme.** The proposal designates any preexisting structure, regardless of its design or suitability for attaching wireless equipment, as eligible for this new expedited 60 day shot clock. When paired with the FCC's previous decision exempting small wireless facilities from federal historic and environmental review, this places an unreasonable burden on local governments to prevent historic preservation, environmental, or safety harms to the community. The addition of up to three cubic feet of antenna and twenty-eight cubic feet of additional equipment to a structure not originally designed to carry that equipment is substantial and may necessitate more review than the FCC has allowed in its proposal.



- **The FCC's proposed definition of "effective prohibition" is overly broad.** The draft report and order proposes a definition of "effective prohibition" that invites challenges to long-standing local right of way requirements unless they meet subjective and unclear guidelines. While the Commission may have intended to preserve local review, this framing and definition of "effective prohibition" opens local governments to the likelihood of more, not less, conflict and litigation over requirements for aesthetics, spacing, and undergrounding.
- **The FCC's proposed recurring fee structure is an unreasonable overreach that will harm local policy innovation.** We disagree with the FCC's interpretation of "fair and reasonable compensation" as meaning approximately \$270 per small cell site. Local governments share the federal government's goal of ensuring affordable broadband access for every American, regardless of their income level or address. That is why many cities have worked to negotiate fair deals with wireless providers, which may exceed that number or provide additional benefits to the community. Additionally, the Commission has moved away from rate regulation in recent years. Why does it see fit to so narrowly dictate the rates charged by municipalities with this proposal?

Our city has worked with private business to build the best broadband infrastructure possible for our residents, businesses and visitors. Cincinnati Bell has already deployed a network of small cell facilities (for Verizon Wireless) that work with the aesthetic charm of the community and meet the requirements of the wireless provider. We welcome additional discussion with providers to strengthen wireless broadband access in the community. We oppose this effort to restrict local authority and stymie local innovation, while limiting the obligations providers have to our community. In 2017, Mason City Council joined other Ohio municipalities in successfully litigating Ohio Senate Bill 331 that sought to limit local authority and will continue to oppose further erosion of those rights. We urge you to oppose this declaratory ruling and report and order.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Eric Hansen", is written over a light blue circular stamp.

Eric Hansen  
City Manager  
City of Mason, Ohio